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General Assembly

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Sixty-second session
Third Committee
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[4] its second periodic report on the

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] E/1990/6/Add.35.

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implementation of the Convention on the Rights of the Child[5] and its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women,[6] as a sign of engagement in international cooperative efforts in the field of human rights,

Taking note of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[7]

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Recalling its resolutions 60/173 of 16 December 2005 and 61/174 of 19 December 2006, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[8] 2004/13 of 15 April 2004[9] and 2005/11 of 14 April 2005,[10] and Human Rights Council decision 1/102 of 30 June 2006,[11] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[12] and of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with its resolution 61/174,[13]

1. *Expresses its very serious concern* at:

(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

(b) The persistence of reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of

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[5] CRC/C/65/Add.24.

[6] CEDAW/C/PRK/1.

[7] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26-76.

[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[11] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[12] See A/62/264.

[13] A/62/318.

the death penalty for political and religious reasons; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and, in this regard, urges all States to ensure respect for the fundamental principle of non-refoulement and to treat those who seek refuge humanely;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families;

(iv) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave, or try to leave, the country without permission, or of their families;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, inter alia, women, children and the elderly;

(vi) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage, subjection of women to human smuggling, forced abortions, gender-based discrimination and violence, and infanticide of children of repatriated mothers, including in police detention centres and camps;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(viii) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries, and in this regard strongly urges the Government of the Democratic People's Republic of Korea urgently to resolve these questions in a transparent manner, including by ensuring the immediate return of abductees;

3. *Notes* the prompt reaction of the Government of the Democratic People's Republic of Korea to the latest floods, and the openness shown in seeking outside assistance, while expressing its very deep concern at the precarious humanitarian situation in the country, compounded by the misallocation of resources away from the satisfaction of basic needs and by frequent natural disasters, in particular the prevalence of maternal and infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action to facilitate access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, and to ensure food security, including through sustainable agriculture;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies;

(b) To tackle the root causes leading to refugee outflows and criminalize those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

(c) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

(d) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the human rights situation in the country;

(e) To extend to United Nations agencies and other humanitarian actors all access necessary to allow them to carry out their mandates;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-third session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations.

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Third Committee
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Netherlands, Norway, Palau, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

Situation of human rights in the Democratic People's Republic of Korea

The General Assembly,

Reaffirming that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights,[4] its second periodic report on the

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] E/1990/6/Add.35.

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implementation of the Convention on the Rights of the Child[5] and its initial report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women,[6] as a sign of engagement in international cooperative efforts in the field of human rights,

Taking note of the concluding observations of the treaty monitoring bodies under the four treaties, the most recent of which were given by the Committee on the Elimination of Discrimination against Women in July 2005,[7]

Noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

Recalling its resolutions 60/173 of 16 December 2005 and 61/174 of 19 December 2006, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[8] 2004/13 of 15 April 2004[9] and 2005/11 of 14 April 2005,[10] and Human Rights Council decision 1/102 of 30 June 2006,[11] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

Taking note of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea[12] and of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with its resolution 61/174,[13]

Welcoming the inter-Korean summit held from 2 to 4 October 2007 and the Declaration on the Advancement of North-South Korean Relations, Peace and Prosperity adopted on 4 October 2007 by the two leaders of the Democratic People's Republic of Korea and the Republic of Korea, as well as the recent progress achieved in the Six-Party Talks, and encouraging the improvement of the human rights situation in the Democratic People's Republic of Korea, including through effective follow-up,

1. *Expresses its very serious concern* at:

(a) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him;

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[5] CRC/C/65/Add.24.

[6] CEDAW/C/PRK/1.

[7] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 38* (A/60/38), part two, paras. 26-76.

[8] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[9] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[10] Ibid., *2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[11] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[12] See A/62/264.

[13] A/62/318.

(b) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard urges all States to ensure respect for the fundamental principle of non-refoulement and to treat those who seek refuge humanely;

(iii) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, and on equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families;

(iv) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave, or try to leave, the country without permission, or their families;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, inter alia, women, children and the elderly;

(vi) Continuing violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination and violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(viii) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[5]

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign

countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Notes* the prompt reaction of the Government of the Democratic People's Republic of Korea to the latest floods and the openness shown in seeking outside assistance, and expresses its very deep concern at the precarious humanitarian situation in the country, compounded by the misallocation of resources away from the satisfaction of basic needs and by frequent natural disasters, in particular the prevalence of maternal malnutrition and of infant malnutrition, which, despite recent progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, to facilitate access to humanitarian aid and measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, and to ensure food security, including through sustainable agriculture;

4. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly and the Commission on Human Rights, and the recommendations addressed to the Democratic People's Republic of Korea by the United Nations special procedures and treaty bodies;

(b) To tackle the root causes leading to refugee outflows and criminalize those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims;

(c) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms;

(d) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the human rights situation in the country;

(e) To extend to United Nations agencies and other humanitarian actors all access necessary to allow them to carry out their mandates;

5. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-third session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations.

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Sixty-second session
Third Committee
Agenda item 70 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Georgia: draft resolution

Status of internally displaced persons and refugees from Abkhazia, Georgia

The General Assembly,

Deeply disturbed by the alarmingly high numbers of internally displaced persons throughout the world, for reasons including armed conflict, violations of human rights and natural or human-made disasters, who receive inadequate protection and assistance, and conscious of the serious challenges that this is creating for the international community,

Emphasizing the importance of the Guiding Principles on Internal Displacement,[1]

Recalling all relevant Security Council resolutions on the situation in Georgia,

Deeply concerned about the humanitarian situation in Georgia created by the presence of almost 500,000 forcibly internally displaced persons from Abkhazia, Georgia,

Recalling the conclusions of the Budapest, Lisbon and Istanbul summits of the Organization for Security and Cooperation in Europe on the situation in Abkhazia, Georgia, and noting the fact of "ethnic cleansing" and other serious violations of international humanitarian law in Abkhazia, Georgia,

Guided by the principles of the Universal Declaration of Human Rights,[2] the Charter of the United Nations and the Vienna Declaration and Programme of

[1] E/CN.4/1998/53/Add.2, annex.
[2] Resolution 217 A (III).

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Action,[3] and deploring practices of forced displacement and their negative consequences for the enjoyment of human rights and fundamental freedoms by large groups of populations,

Expressing its deep concern about the seriousness of the violations of human rights and international humanitarian law in Abkhazia, Georgia, in particular violence based on ethnicity,

Deeply concerned about the continuing deterioration of the safety and security of the local population, the refugees and the internally displaced persons returning to Abkhazia, Georgia,

1. *Reiterates and reaffirms* the right of all refugees and internally displaced persons from Abkhazia, Georgia, affected by the conflict to return safely in dignity and under secure conditions, without any preconditions, to Abkhazia, Georgia, in accordance with international law;

2. *Reaffirms* the unacceptability of the demographic changes resulting from the conflict, and condemns any attempts to change the pre-conflict demographic composition of Abkhazia, Georgia, including by repopulating it with persons not previously resident there;

3. *Stresses* the urgent need to alleviate the plight of refugees and internally displaced persons who are victims of ethnic cleansing in Abkhazia, Georgia, and the need for a prospect of life in security and dignity, in particular for a new generation growing up outside Abkhazia, Georgia;

4. *Reiterates* the vital importance of the return of property to the refugees and the internally displaced persons from Abkhazia, Georgia, as the legal owners, and reaffirms that their property rights must not be affected;

5. *Underlines* the necessity of rapid elaboration of a binding timetable that would ensure the prompt return of the refugees and internally displaced persons from Abkhazia, Georgia, to their homes;

6. *Appeals* to all Member States to prevent persons under their jurisdiction from obtaining any property within the territory of Abkhazia, Georgia;

7. *Requests* the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution;

8. *Decides* to consider at its sixty-third session the status of the return of internally displaced persons and refugees to Abkhazia, Georgia.

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[3] A/CONF.157/24 (Part I), chap. III.

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Agenda item 70 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Algeria, Bahrain, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Indonesia, Iran (Islamic Republic of), Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Senegal, Sri Lanka, Sudan, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of) and Viet Nam: draft resolution

Human rights and cultural diversity

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] as well as other pertinent human rights instruments,

Recalling also its resolutions 54/160 of 17 December 1999, 55/91 of 4 December 2000, 57/204 of 18 December 2002, 58/167 of 22 December 2003 and 60/167 of 16 December 2005, and recalling further its resolutions 54/113 of 10 December 1999, 55/23 of 13 November 2000 and 60/4 of 20 October 2005 concerning the United Nations Year of Dialogue among Civilizations,

Noting that numerous instruments within the United Nations system promote cultural diversity, as well as the conservation and development of culture, in particular the Declaration of the Principles of International Culture Cooperation proclaimed on 4 November 1966 by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its fourteenth session,[3]

[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] See United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Fourteenth Session, Paris, 1966, Resolutions.*

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Taking into account that a culture of peace actively fosters non-violence and respect for human rights and strengthens solidarity among peoples and nations and dialogue between cultures,

Recognizing that all cultures and civilizations share a common set of universal values,

Convinced that cultural diversity in a globalizing world needs to be used as a vehicle for creativity, dynamism and promoting social justice, tolerance and understanding as well as international peace and security, and not as a rationale for a new ideological and political confrontation,

Recognizing that the promotion of the rights of indigenous people and their cultures and traditions will contribute to the respect for and observance of cultural diversity among all peoples and nations,

Considering that tolerance of cultural, ethnic, religious and linguistic diversities, as well as dialogue among and within civilizations, is essential for peace, understanding and friendship among individuals and people of different cultures and nations of the world, while manifestations of cultural prejudice, intolerance and xenophobia towards different cultures and religions generate hatred and violence among peoples and nations throughout the world,

Recognizing that acts of prejudice, discrimination, stereotyping, and racial, religious and sectarian profiling are affronts to human dignity, equality and justice, and should not be condoned,

Recognizing also in each culture a dignity and value that deserve recognition, respect and preservation, and convinced that, in their rich variety and diversity, and in the reciprocal influences that they exert on one another, all cultures form part of the common heritage belonging to all humankind,

Convinced that the promotion of cultural pluralism and tolerance towards and dialogue among various cultures and civilizations would contribute to the efforts of all peoples and nations to enrich their cultures and traditions by engaging in a mutually beneficial exchange of knowledge and intellectual, moral and material achievements,

Emphasizing that a collective commitment to listen to and learn from each other and to respect cultural heritage and diversity is essential for dialogue,

Acknowledging the diversity of the world, recognizing that all cultures and civilizations contribute to the enrichment of humankind, acknowledging the importance of respect and understanding for religious and cultural diversity throughout the world, and, in order to promote international peace and security, committing itself to advancing human welfare, freedom and progress everywhere, as well as to encouraging tolerance, respect, dialogue and cooperation among different cultures, civilizations and peoples,

1. *Affirms* the importance for all peoples and nations to hold, develop and preserve their cultural heritage and traditions in a national and international atmosphere of peace, tolerance and mutual respect;

2. *Welcomes* the adoption on 8 September 2000 of the United Nations Millennium Declaration,[8] in which Member States consider, inter alia, that tolerance is one of the fundamental values essential to international relations in the twenty-first century and that it should include the active promotion of a culture of peace and dialogue among civilizations, with human beings respecting one another in all their diversity of belief, culture and language, neither fearing nor repressing differences within and between societies but cherishing them as a precious asset of humanity;

3. *Recognizes* the right of everyone to take part in cultural life and to enjoy the benefits of scientific progress and its applications;

4. *Affirms* that the international community should strive to respond to the challenges and opportunities posed by globalization in a manner that ensures respect for the cultural diversity of all;

5. *Expresses its determination* to prevent and mitigate cultural homogenization in the context of globalization, through increased intercultural exchange guided by the promotion and protection of cultural diversity;

6. *Affirms* that intercultural dialogue essentially enriches the common understanding of human rights and that the benefits to be derived from the encouragement and development of international contacts and cooperation in the cultural fields are important;

7. *Welcomes* the recognition at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of the necessity of respecting and maximizing the benefits of diversity within and among all nations in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and among communities and nations, in particular through public information and educational programmes to raise awareness and understanding of the benefits of cultural diversity, including programmes in which the public authorities work in partnership with international and non-governmental organizations and other sectors of civil society;

8. *Recognizes* that respect for cultural diversity and the cultural rights of all enhances cultural pluralism, contributing to a wider exchange of knowledge and understanding of cultural background, advancing the application and enjoyment of universally accepted human rights throughout the world and fostering stable, friendly relations among peoples and nations worldwide;

9. *Emphasizes* that the promotion of cultural pluralism and tolerance at the national, regional and international levels is important for enhancing respect for cultural rights and cultural diversity;

10. *Also emphasizes* that tolerance and respect for diversity facilitate the universal promotion and protection of human rights, including gender equality and the enjoyment of all human rights by all, and underlines the fact that tolerance and respect for cultural diversity and the universal promotion and protection of human rights are mutually supportive;

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[8] See resolution 55/2.

11. *Urges* all actors on the international scene to build an international order based on inclusion, justice, equality and equity, human dignity, mutual understanding and promotion of and respect for cultural diversity and universal human rights, and to reject all doctrines of exclusion based on racism, racial discrimination, xenophobia and related intolerance;

12. *Urges* States to ensure that their political and legal systems reflect the multicultural diversity within their societies and, where necessary, to improve democratic institutions so that they are more fully participatory and avoid marginalization and exclusion of, and discrimination against, specific sectors of society;

13. *Calls upon* States, international organizations and United Nations agencies, and invites civil society, including non-governmental organizations, to recognize and promote respect for cultural diversity for the purpose of advancing the objectives of peace, development and universally accepted human rights;

14. *Stresses* the necessity of utilizing communication technologies, including audio, video, printed press, multimedia and the Internet, to disseminate the message of dialogue and understanding throughout the globe and depict and publicize historical instances of constructive interaction among different cultures and civilizations;

15. *Requests* the Secretary-General, in the light of the present resolution, to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the present resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the General Assembly at its sixty-fourth session;

16. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to bear in mind fully the issues raised in the present resolution in the course of its activities for the promotion and protection of human rights;

17. *Decides* to continue consideration of the question at its sixty-fourth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Egypt, Guatemala, Honduras, Mexico, Peru and Philippines: draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 61/165 of 19 December 2006, and recalling also Commission on Human Rights resolution 2005/47 of 19 April 2005,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5] the Convention on the Rights of the Child,[6] the International Convention on the

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.
[6] Ibid., vol. 1577, No. 27531.

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Elimination of All Forms of Racial Discrimination,[7] the Vienna Convention on Consular Relations of 1963[8] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9]

Recalling also the provisions concerning migrants contained in the outcomes of all major United Nations conferences and summits,

Welcoming the establishment of the Human Rights Council, which is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Welcoming also the convening of the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006 for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights, as well as the convening of the Global Forum on Migration and Development, held in Brussels from 9 to 11 July 2007,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect for the human rights and fundamental freedoms of migrants,

Noting that many migrant women are employed in the informal economy and in less skilled work compared with that of men, which puts those women at greater risk of abuse and exploitation,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

Underlining the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent them from utilizing dangerous means to cross international borders,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

1. *Calls upon* States to effectively promote and protect the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of

[7] Ibid., vol. 660, No. 9464.
[8] Ibid., vol. 596, No. 8638.
[9] Ibid., vol. 2220, No. 39481.

countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Also calls upon* States to ensure that their laws and policies including in the areas of combating transnational crime such as terrorism and human trafficking, do no impinge negatively on the human rights of migrants;

3. *Welcomes* the report of the Special Rapporteur of the Human Rights Council on the human rights of migrants,[10] as well as of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifth and sixth sessions;[11]

4. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] as a matter of priority, and requests the Secretary-General to continue his efforts to raise awareness and promote the Convention;

5. *Urges* States parties to the United Nations Convention against Transnational Organized Crime[12] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[13] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[14] to implement them fully, and calls upon States that have not done so to consider ratifying them as a matter of priority;

6. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

7. *Expresses concern* about legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

8. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of

[10] A/HRC/4/24.

[11] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 48* (A/62/48).

[12] Resolution 55/25, annex I.

[13] Ibid., annex III.

[14] Ibid., annex II.

the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

9. *Urges* States to ensure that repatriation mechanisms allow for the identification and special protection of vulnerable persons such as refugees, victims of trafficking or unaccompanied children and are in accordance with the principles of best interest of the child and family reunification;

10. *Reaffirms* the obligations contained in article 36 of the Vienna Convention on Consular Relations,[8] according to which States parties in whose territory a detention of a foreign national occurs shall inform the foreign national without delay of his/her right to communicate with his/her consular post and shall, should the detained foreign national so request, inform the consular post without delay of the detention, and emphasizes in this regard the jurisprudence of universal and regional jurisdictional courts on the obligation to comply with article 36;

11. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts, including those regarding access to employment, professional training, housing, education and health, social and public services;

12. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

13. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

14. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

15. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system bearing in mind the discussions of the High-level Dialogue on International Migration and Development held in New York on 14 and 15 September 2006, pursuant to General Assembly resolution 58/208 of 23 December 2003;

16. *Requests* the Secretary-General to provide the necessary resources for the Committee on Migrant Workers to meet for two weeks in spring and for one week in autumn in order to fulfil effectively its functions pertaining to examination of reports from States parties;

17. *Encourages* the Special Rapporteur on the human rights of migrants to study the issue of the demand for the work and contribution of migrants, in particular to the economies of recipient countries, and in this regard to explore opportunities through which the issue can promote the respect for and protection of all migrants;

18. *Requests* the Secretary-General to report on the implementation of the present resolution at its sixty-third session and decides to examine the question further under the item entitled "Promotion and protection of human rights".

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General Assembly

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27 November 2007

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Sixty-second session
Third Committee
Agenda item 70 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Albania, Algeria, Angola, Argentina, Armenia, Azerbaijan, Belize, Benin, Bolivia, Brazil, Cape Verde, Chile, Colombia, Costa Rica, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Guinea, Haiti, Honduras, Kyrgyzstan, Mauritania, Mexico, Morocco, Nicaragua, Niger, Nigeria, Paraguay, Peru, Philippines, Senegal, Sri Lanka, Tajikistan and Uruguay: revised draft resolution

Protection of migrants

The General Assembly,

Recalling all its previous resolutions on the protection of migrants, the most recent of which is resolution 61/165 of 19 December 2006, and recalling also Commission on Human Rights resolution 2005/47 of 19 April 2005,[1]

Reaffirming the Universal Declaration of Human Rights,[2] which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Reaffirming also that everyone has the right to freedom of movement and residence within the borders of each State, and to leave any country, including his own, and return to his country,

Recalling the International Covenant on Civil and Political Rights[3] and the International Covenant on Economic, Social and Cultural Rights,[3] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[4] the Convention on the Elimination of All Forms of Discrimination against Women,[5]

[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.
[2] Resolution 217 A (III).
[3] See resolution 2200 A (XXI), annex.
[4] United Nations, *Treaty Series*, vol. 1465, No. 24841.
[5] Ibid., vol. 1249, No. 20378.

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the Convention on the Rights of the Child,[6] the International Convention on the Elimination of All Forms of Racial Discrimination,[7] the Vienna Convention on Consular Relations[8] and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[9]

Recalling also the provisions concerning migrants contained in the outcomes of all major United Nations conferences and summits,

Underlining the importance of the Human Rights Council in promoting respect for the protection of the human rights and fundamental freedoms for all, including migrants,

Taking note of advisory opinion OC-16/99 of 1 October 1999 on the Right to information on Consular Assistance in the Framework of the Guarantees of the Due Process of Law and advisory opinion OC-18/03 of 17 September 2003 on the Juridical Condition and Rights of Undocumented Migrants, both issued by the Inter-American Court of Human Rights,

Taking note also of the Judgment of the International Court of Justice of 31 March 2004 in the case concerning *Avena and Other Mexican Nationals*, and recalling the obligations of States reaffirmed therein,

Recalling the High-level Dialogue on International Migration and Development, held in New York on 14 and 15 September 2006, for the purpose of discussing the multidimensional aspects of international migration and development, which recognized the relationship between international migration, development and human rights, and taking note of the First Meeting of the Global Forum on Migration and Development, hosted and organized by the Government of Belgium from 9 to 11 July 2007,

Emphasizing the global character of the migratory phenomenon, the importance of international, regional and bilateral cooperation and dialogue in this regard, as appropriate, and the need to protect the human rights of migrants, particularly at a time in which migration flows have increased in the globalized economy and take place in a context of new security concerns,

Bearing in mind that policies and initiatives on the issue of migration, including those that refer to the orderly management of migration, should promote holistic approaches that take into account the causes and consequences of the phenomenon, as well as the full respect for the human rights and fundamental freedoms of migrants,

Noting that many migrant women are employed in the informal economy and in less skilled work compared with that of men, which puts those women at greater risk of abuse and exploitation,

Concerned about the large and growing number of migrants, especially women and children, who place themselves in a vulnerable situation by attempting to cross international borders without the required travel documents, and underlining the obligation of States to respect the human rights of those migrants,

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[6] Ibid., vol. 1577, No. 27531.
[7] Ibid., vol. 660, No. 9464.
[8] Ibid., vol. 596, No. 8638.
[9] Ibid., vol. 2220, No. 39481.

Underlining the importance for States, in cooperation with non-governmental organizations, to undertake information campaigns aimed at clarifying opportunities, limitations and rights in the event of migration, so as to enable everyone to make informed decisions and to prevent him or her from utilizing dangerous means to cross international borders,

1. *Calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, regardless of their migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and through a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability;

2. *Also calls upon* States to ensure that their laws and policies, including in the areas of counter-terrorism and combating transnational organized crime such as trafficking in persons and smuggling of migrants, fully respect the human rights of migrants;

3. *Takes note with interest* of the report of the Special Rapporteur of the Human Rights Council on the human rights of migrants;[10]

4. *Calls upon* States that have not done so to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families[9] as a matter of priority, and requests the Secretary-General to continue his efforts to raise awareness and promote the Convention;

5. *Urges* States parties to the United Nations Convention against Transnational Organized Crime[11] and supplementing protocols thereto, namely, the Protocol against the Smuggling of Migrants by Land, Sea and Air[12] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[13] to implement them fully, and calls upon States that have not done so to consider acceding to or ratifying them as a matter of priority;

6. *Takes note* of the submission of the report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its fifth and sixth sessions;[14]

7. *Requests* all States, international organizations and relevant stakeholders to take into account in their policies and initiatives on migration issues the global character of the migratory phenomenon and to give due consideration to international, regional and bilateral cooperation in this field, including by undertaking dialogues on migration that include countries of origin, destination and transit, as well as civil society, including migrants, with a view to addressing, in a comprehensive manner, inter alia, its causes and consequences and the challenge of

[10] A/HRC/4/24; see also A/62/218.
[11] Resolution 55/25, annex I.
[12] Ibid., annex III.
[13] Ibid., annex II.
[14] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 48* (A/62/48).

undocumented or irregular migration, granting priority to the protection of the human rights of migrants;

8. *Expresses concern* about legislation and measures adopted by some States that may restrict the human rights and fundamental freedoms of migrants, and reaffirms that, when exercising their sovereign right to enact and implement migratory and border security measures, States have the duty to comply with their obligations under international law, including international human rights law, in order to ensure full respect for the human rights of migrants;

9. *Requests* States to adopt concrete measures to prevent the violation of the human rights of migrants while in transit, including in ports and airports and at borders and migration checkpoints, to train public officials who work in those facilities and in border areas to treat migrants respectfully and in accordance with the law, and to prosecute, in conformity with applicable law, any act of violation of the human rights of migrants, inter alia, arbitrary detention, torture and violations of the right to life, including extrajudicial executions, during their transit from their country of origin to the country of destination and vice versa, including their transit through national borders;

10. *Urges* States to ensure that repatriation mechanisms allow for the identification and special protection of persons in vulnerable situations and take into account, in conformity with their international obligations and commitments, the principle of best interest of the child and family reunification;

11. *Underlines* the right of migrants to return to their country of citizenship;

12. *Reaffirms emphatically* the duty of States parties to ensure full respect for and observance of the Vienna Convention on Consular Relations of 1963,[8] in particular with regard to the right of all foreign nationals, regardless of their immigration status, to communicate with a consular official of the sending State in the case of arrest, imprisonment, custody or detention, and the obligation of the receiving State to inform without delay the foreign national of his or her rights under the Convention;

13. *Strongly condemns* the manifestations and acts of racism, racial discrimination, xenophobia and related intolerance against migrants and the stereotypes often applied to them, including on the basis of religion or belief, and urges States to apply the existing laws when xenophobic or intolerant acts, manifestations or expressions against migrants occur, in order to eradicate impunity for those who commit xenophobic and racist acts;

14. *Requests* all States, in conformity with national legislation and applicable international legal instruments to which they are party, to enforce labour law effectively, including by addressing violations of such law, with regard to migrant workers' labour relations and working conditions, inter alia, those related to their remuneration and conditions of health, safety at work and the right to freedom of association;

15. *Encourages* all States to remove obstacles that may prevent the safe, unrestricted and expeditious transfer of remittances of migrants to their country of origin or to any other countries, in conformity with applicable legislation, and to consider, as appropriate, measures to solve other problems that may impede such transfers;

16. *Welcomes* immigration programmes, adopted by some countries, that allow migrants to integrate fully into the host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, and encourages States to consider the possibility of adopting these types of programmes;

17. *Requests* Member States, the United Nations system, international organizations, civil society and all relevant stakeholders, especially the United Nations High Commissioner for Human Rights and the Special Rapporteur on the human rights of migrants, to ensure that the perspective of the human rights of migrants is included among the priority issues in the ongoing discussions on international migration and development within the United Nations system, bearing in mind the discussions of the High-level Dialogue on International Migration and Development held pursuant to General Assembly resolution 58/208 of 23 December 2003;

18. *Requests* the Secretary-General to provide the resources necessary, from within existing resources of the United Nations, for the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to meet for two separate sessions in 2008, the first session to be of two consecutive weeks' duration and the second session to be of one week's duration, for the purpose of meeting the demands of the workload arising from the increasing number of reports from States parties that have been submitted to the Committee, and invites the Committee to consider ways of further improving the effectiveness of its working sessions;

19. *Also requests* the Secretary-General to report on the implementation of the present resolution at its sixty-third session and to include in that report an analysis of the ways and means to promote the human rights of migrants, including through the use of data and statistics on the contribution of migrants to recipient countries, taking into account the views of the Special Rapporteur of the Human Rights Council on the human rights of migrants, and decides to examine the question further under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/62/L.41

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Sixty-second session
Third Committee
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 61/232 of 22 December 2006, those of the Commission on Human Rights and resolution S-5/1 of 2 October 2007,[3] adopted by the Human Rights Council at its fifth special session,

Welcoming the presidential statement issued by the Security Council on 11 October 2007,[4]

Recalling that everyone has the right to take part in the government of their country, directly or through freely chosen representatives, the right to freedom of

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See A/HRC/S-5/L.1/Rev.1.
[4] S/PRST/2007/37.

07-57968 (E) 061107

opinion and expression and the right to freedom of peaceful assembly and association,

Deeply concerned at the situation of human rights in Myanmar, and in particular at the recent violent repression of peaceful demonstrations, including through beatings, killings, arbitrary detentions and enforced disappearances,

1. *Strongly condemns* the use of violence against peaceful demonstrators who were exercising their rights to freedom of opinion and expression and to peaceful assembly and association, and expresses condolences to the victims and their families;

2. *Expresses grave concern* at:

(a) The ongoing systematic violations of human rights and fundamental freedoms, including civil, political, economic, social and cultural rights, of the people of Myanmar, as described in resolution 61/233 and in previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council;

(b) The arbitrary detentions, including the use of physical violence, in response to peaceful protests, the extension, once again, of the house arrest of the General Secretary of the National League for Democracy, Aung San Suu Kyi, as well as the continuing high number of political prisoners, including other political leaders, persons belonging to ethnic nationalities and human rights defenders;

(c) The major and repeated violations of international humanitarian law committed against civilians, as denounced by the International Committee of the Red Cross in June 2007;

(d) The discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, particularly in border and conflict areas, and attacks by military forces and non-State armed groups on villages in Karen State and other ethnic States in Myanmar, leading to extensive forced displacements and serious violations and other abuses of the human rights of the affected populations;

(e) The absence of effective and genuine participation of the representatives of the National League for Democracy and other political parties and some ethnic nationality groups in the National Convention and the slow pace of the democratic reform;

(f) The fact that the Special Rapporteur on the situation of human rights in Myanmar was unable to visit the country for almost four years, despite repeated requests;

(g) The continuous deterioration of the living conditions and the increase of poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights;

3. *Welcomes*:

(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar[5] and his oral presentations, as well as the agreement by the Government of Myanmar to his visit in November 2007;

[5] A/HRC/4/14 and A/62/223.

(b) The report of the Secretary-General[6] and his designation of a Special Adviser to continue to pursue his mandate of good offices, and affirms its full support for his mission;

(c) The visit of the Special Adviser to Myanmar in October 2007 and the invitation to return extended to him by the Government of Myanmar;

(d) The conclusion between the International Labour Organization and the Government of Myanmar of an understanding designed to provide a mechanism to enable victims of forced labour to seek redress;

(e) The visits to Myanmar of the Special Representative of the Secretary-General for Children and Armed Conflict and the Assistant Secretary-General and Deputy Emergency Relief Coordinator at the invitation of the Government of Myanmar, and the implementation of some of the measures agreed during those visits;

(f) The progress reported on the work conducted by the Government and international humanitarian entities on HIV/AIDS and avian influenza;

(g) The leading regional role of the Association of Southeast Asian Nations and of neighbouring countries in encouraging the Government of Myanmar to hasten democratic reforms with respect for human rights and the continuing efforts of the Association and of neighbouring countries towards the adoption of a human rights-based charter and a genuine human rights mechanism;

4. *Strongly calls upon* the Government of Myanmar:

(a) To ensure full respect for all human rights and fundamental freedoms, to end restrictions on those freedoms that are incompatible with the Government's obligations under international human rights law, to protect its inhabitants and to investigate and bring to justice perpetrators of violations of human rights;

(b) To give serious consideration to the recommendations and proposals put forward by the Special Adviser to the Secretary-General during his visit to Myanmar in October 2007 and to fully implement the previous recommendations of the Special Rapporteur, the Special Adviser of the Secretary-General, the General Assembly, the Human Rights Council, the Commission on Human Rights, the International Labour Organization and other United Nations bodies;

(c) To exercise utmost restraint and to desist from further arrests and violence against peaceful protesters and to release without delay those who have been arbitrarily arrested and detained, as well as all political prisoners, immediately and unconditionally, including the leaders of the National League for Democracy, Aung San Suu Kyi and Tin Oo, the leader of the Shan Nationalities League for Democracy, Khun Htun Oo, and other Shan leaders, and the "88 Generation" students' group leaders Min Ko Naing and Ko Ko Gyi;

(d) To lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

[6] A/62/498.

(e) To cooperate fully with the Special Rapporteur, including by granting him full, free and unimpeded access in his upcoming visit to Myanmar, to monitor the implementation of Human Rights Council resolution S-5/1[3] and to ensure that no person cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

(f) To ensure immediately safe and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those organizations in order to ensure that humanitarian assistance is delivered to all persons in need throughout the country;

(g) To put an immediate end to the continuing recruitment and use of child soldiers, in violation of international law, by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General on Children and Armed Conflict;

(h) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and to the associated violations of human rights and humanitarian law against persons belonging to ethnic nationalities, to end the systematic forced displacement of large numbers of persons and other causes of refugee flows to neighbouring countries and to respect existing ceasefire agreements;

5. *Calls upon* the Government of Myanmar:

(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transition process without restrictions and, to that end, to resume, without further delay, a dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities;

(b) To pursue, through dialogue and peaceful means, the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation, democratization and the establishment of the rule of law;

(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of administration of justice, as well as to ensure that discipline in prisons does not amount to torture or cruel, inhuman or degrading treatment or punishment and that conditions of detention otherwise meet international standards;

(d) To cooperate fully with the Special Adviser to the Secretary-General in the fulfilment of his good offices, by agreeing to his visits to the country, allowing him unrestricted access to all relevant parties, including detained activists, ethnic minority representatives, student leaders and dissident monks, and by engaging with him in finding a peaceful solution aiming at achieving effective progress towards the restoration of democracy and the protection of human rights in Myanmar;

(e) To engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

(f) To continue its efforts with the International Labour Organization towards the effective implementation of the national mechanism established to receive complaints of forced labour;

(g) To allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(h) To refrain from imposing restrictions on access to and flow of information from the people of Myanmar, including through the openly available and accessible use of Internet and mobile phone services;

(i) To allow the International Committee of the Red Cross to carry out its humanitarian activities for people in need, in particular by granting immediate access to persons detained and by providing the necessary information on persons unaccounted for in relation with recent events;

6. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To closely monitor the developments with regard to the violent incidents that took place with the aim of preventing the resumption of violence;

(c) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(d) To report to the General Assembly at its sixty-third session on the progress made in the implementation of the present resolution;

7. *Decides* to continue the consideration of the question at its sixty-third session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

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Sixty-second session
Third Committee
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Albania, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: revised draft resolution

Situation of human rights in Myanmar

The General Assembly,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

Reaffirming also its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 61/232 of 22 December 2006, those of the Commission on Human Rights and resolution S-5/1 of 2 October 2007,[3] adopted by the Human Rights Council at its fifth special session,

[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] See A/HRC/S-5/L.2, chap. I; the report of the Human Rights Council on its fifth special session will be issued in final form as part of *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53).

07-60131 (E) 161107

Welcoming the presidential statement issued by the Security Council on 11 October 2007,[4]

Recalling that everyone has the right to take part in the government of his or her country, directly or through freely chosen representatives, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association,

Deeply concerned at the situation of human rights in Myanmar, and in particular at the recent violent repression of peaceful demonstrations, including through beatings, killings, arbitrary detentions and enforced disappearances,

1. *Strongly condemns* the use of violence against peaceful demonstrators who were exercising their rights to freedom of opinion and expression and to peaceful assembly and association, and expresses condolences to the victims and their families;

2. *Expresses grave concern* at:

(a) The ongoing systematic violations of human rights and fundamental freedoms, including civil, political, economic, social and cultural rights, of the people of Myanmar, as described in resolution 61/232 and in previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council;

(b) The arbitrary detentions, including the use of physical violence, in response to peaceful protests, and the extension, once again, of the house arrest of the General Secretary of the National League for Democracy, Daw Aung San Suu Kyi, as well as the continuing high number of political prisoners, including other political leaders, persons belonging to ethnic nationalities and human rights defenders;

(c) The major and repeated violations of international humanitarian law committed against civilians, as denounced by the International Committee of the Red Cross in June 2007;

(d) The discrimination and violations suffered by persons belonging to ethnic nationalities of Myanmar, particularly in border and conflict areas, and attacks by military forces and non-State armed groups on villages in Karen State and other ethnic States in Myanmar, leading to extensive forced displacements and serious violations and other abuses of the human rights of the affected populations;

(e) The absence of effective and genuine participation of the representatives of the National League for Democracy and other political parties and some ethnic nationality groups in the National Convention and the slow pace of the democratic reform;

(f) The continuous deterioration of the living conditions and the increase of poverty affecting a significant part of the population throughout the country, with serious consequences for the enjoyment of their economic, social and cultural rights;

[4] S/PRST/2007/37.

3. *Welcomes*:

(a) The reports of the Special Rapporteur on the situation of human rights in Myanmar[5] and his oral presentations, as well as the agreement by the Government of Myanmar to his visit in November 2007 after four years of his having been denied access;

(b) The report of the Secretary-General[6] and his designation of a Special Adviser to continue to pursue his mandate of good offices, and affirms its full support for his mission;

(c) The visits of the Special Adviser to Myanmar in October and November 2007;

(d) The conclusion between the International Labour Organization and the Government of Myanmar of an understanding designed to provide a mechanism to enable victims of forced labour to seek redress;

(e) The visits to Myanmar of the Special Representative of the Secretary-General for Children and Armed Conflict and the Assistant Secretary-General for Humanitarian Affairs and Deputy Emergency Relief Coordinator at the invitation of the Government of Myanmar, and the implementation of some of the measures agreed during those visits;

(f) The progress reported on the work conducted by the Government and international humanitarian entities on HIV/AIDS and avian influenza;

(g) The role of the Association of Southeast Asian Nations and of neighbouring countries in encouraging the Government of Myanmar to resume its efforts at national reconciliation with all parties concerned, and to work towards a peaceful transition to democracy, and the continuing efforts of the Association and of neighbouring countries towards for the promotion and protection of the human rights of the people of Myanmar;

(h) The appointment by the Government of Myanmar of a minister for relations with Daw Aung San Suu Kyi and the two meetings held so far between the two, while stressing the need for this process to lead to a substantive dialogue with concrete outcomes within an agreed time frame between the Government of Myanmar and Daw Aung San Suu Kyi;

4. *Strongly calls upon* the Government of Myanmar:

(a) To ensure full respect for all human rights and fundamental freedoms, to end restrictions on those freedoms that are incompatible with the Government's obligations under international human rights law, to protect its inhabitants and to investigate and bring to justice perpetrators of violations of human rights;

(b) To give serious consideration to the recommendations and proposals put forward by the Special Adviser of the Secretary-General during his visit to Myanmar in October 2007 and to fully implement the previous recommendations of the Special Rapporteur, the Special Adviser of the Secretary-General, the General Assembly, the Human Rights Council, the Commission on Human Rights, the International Labour Organization and other United Nations bodies;

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[5] A/HRC/4/14 and see A/62/223.

[6] A/62/498.

(c) To exercise utmost restraint and to desist from further arrests and violence against peaceful protesters and to release without delay those who have been arbitrarily arrested and detained, as well as all political prisoners, immediately and unconditionally, including the leaders of the National League for Democracy, Aung San Suu Kyi and Tin Oo, the leader of the Shan Nationalities League for Democracy, Khun Htun Oo, and other Shan leaders, and the "88 Generation" students' group leaders Min Ko Naing and Ko Ko Gyi;

(d) To lift all restraints on the peaceful political activity of all persons by, inter alia, guaranteeing freedom of peaceful assembly and association and freedom of opinion and expression, including for free and independent media, and to ensure unhindered access to media information for the people of Myanmar;

(e) To cooperate fully with the Special Rapporteur in the context of the implementation of Human Rights Council resolution S-5/1[3] and to ensure that no person cooperating with the Special Rapporteur or any international organization is subjected to any form of intimidation, harassment or punishment;

(f) To ensure immediately safe and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners and to cooperate fully with those organizations in order to ensure that humanitarian assistance is delivered to all persons in need throughout the country;

(g) To put an immediate end to the continuing recruitment and use of child soldiers, in violation of international law, by all parties, to intensify measures to ensure the protection of children from armed conflict and to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict;

(h) To take urgent measures to put an end to the military operations targeting civilians in the ethnic areas, and to the associated violations of human rights and humanitarian law directed against persons belonging to ethnic nationalities, to end the systematic forced displacement of large numbers of persons and other causes of refugee flows to neighbouring countries and to respect existing ceasefire agreements;

5. *Calls upon* the Government of Myanmar:

(a) To permit all political representatives and representatives of ethnic nationalities to participate fully in the political transition process without restrictions and, to that end, to resume, without further delay, a dialogue with all political actors, including the National League for Democracy and representatives of ethnic nationalities;

(b) To pursue, through dialogue and peaceful means, the immediate suspension and permanent end of conflict with all ethnic nationalities in Myanmar and to allow the full participation of representatives of all political parties and representatives of ethnic nationalities in an inclusive and credible process of national reconciliation, democratization and the establishment of the rule of law;

(c) To fulfil its obligations to restore the independence of the judiciary and due process of law, and to take further steps to reform the system of administration of justice, as well as to ensure that discipline in prisons does not amount to torture

or cruel, inhuman or degrading treatment or punishment and that conditions of detention otherwise meet international standards;

(d) To cooperate fully with the Special Adviser of the Secretary-General in the fulfilment of his good offices, by agreeing to his visits to the country, allowing him unrestricted access to all relevant parties, including detained activists, ethnic minority representatives, student leaders and dissident monks, and by engaging with him in finding a peaceful solution aiming at achieving effective progress towards the restoration of democracy and the protection of human rights in Myanmar;

(e) To engage in a dialogue with the Office of the United Nations High Commissioner for Human Rights with a view to ensuring full respect for all human rights and fundamental freedoms;

(f) To continue its efforts with the International Labour Organization towards the effective implementation of the national mechanism established to receive complaints of forced labour;

(g) To allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

(h) To refrain from imposing restrictions on access to and flow of information from the people of Myanmar, including through the openly available and accessible use of Internet and mobile phone services;

(i) To allow the International Committee of the Red Cross to carry out its humanitarian activities for people in need, in particular by granting immediate access to persons detained and by providing the necessary information on persons unaccounted for in connection with recent events;

6. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights and the restoration of democracy with the Government and the people of Myanmar, including all relevant parties to the national reconciliation process in Myanmar, and to offer technical assistance to the Government in this regard;

(b) To closely monitor the developments with regard to the violent incidents that took place, with the aim of preventing the resumption of violence;

(c) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully and effectively and in a coordinated manner;

(d) To report to the General Assembly at its sixty-third session as well as to the Human Rights Council on the progress made in the implementation of the present resolution;

7. *Decides* to continue the consideration of the question at its sixty-third session, on the basis of the report of the Secretary-General and the interim report of the Special Rapporteur.

United Nations A/C.3/62/L.42

General Assembly

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Sixty-second session
Third Committee
Agenda item 70 (b)
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Angola, Argentina, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Elimination of all forms of intolerance and of discrimination based on religion or belief

The General Assembly,

Recalling its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling also article 18 of the International Covenant on Civil and Political Rights,[1] article 18 of the Universal Declaration of Human Rights[2] and other relevant human rights provisions,

Considering that religion or belief, for those who profess either, is one of the fundamental elements in their conception of life and that freedom of religion or belief should be fully respected and guaranteed,

Recognizing the important work carried out by the Human Rights Committee in providing guidance with respect to the scope of the freedom of religion or belief,

[1] See resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).

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Emphasizing that States, regional organizations, non-governmental organizations, religious bodies and the media have an important role to play in promoting tolerance, respect and freedom of religion or belief,

Recalling its previous resolutions on the elimination of all forms of intolerance and of discrimination based on religion or belief, most recently resolution 61/161 of 19 December 2006, as well as Human Rights Council resolution 5/1 of 18 June 2007,[3]

1. *Condemns* all forms of intolerance and of discrimination based on religion or belief, as well as violations of freedom of thought, conscience, religion or belief;

2. *Stresses* that the right to freedom of thought, conscience and religion applies equally to theistic, non-theistic and atheistic beliefs and that all believers and non-believers are entitled without any discrimination to the equal protection of the law;

3. *Emphasizes* that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

4. *Recognizes with deep concern* the overall rise in instances of intolerance and violence directed against members of many religious and other communities in various parts of the world, including cases motivated by Islamophobia, anti-Semitism and Christianophobia;

5. *Also recognizes with concern* the situation of persons belonging to vulnerable groups in society regarding their ability freely to exercise their right to freedom of religion or belief, including in particular refugees, asylum-seekers and internally displaced persons;

6. *Expresses concern* over the persistence of institutionalized social intolerance and discrimination practised against many in the name of religion or belief;

7. *Condemns* any advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence, whether it involves the use of print, audio visual and electronic media or any other means;

8. *Emphasizes* that freedom of religion or belief and freedom of expression are interdependent and interrelated, and that lowering the threshold of acts prohibited by law under article 20 of the International Covenant on Civil and Political Rights[1] would not only reduce the scope of free expression, but could also limit freedom of religion or belief itself;

9. *Urges* States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, and to this end:

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[3] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

(a) To ensure that their constitutional and legislative systems provide adequate and effective guarantees of freedom of thought, conscience, religion and belief to all without distinction, inter alia, by the provision of effective remedies in cases where the right to freedom of thought, conscience, religion or belief, or the right to practise freely one's religion, including the right to change one's religions or belief, is violated;

(b) To ensure that no one within their jurisdiction is deprived of the right to life, liberty or security of person because of religion or belief and that no one is subjected to torture or arbitrary arrest or detention on that account and to bring to justice all perpetrators of violations of these rights;

(c) To ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes and the right of all persons to write, issue and disseminate relevant publications in these areas;

(d) To ensure that, in accordance with appropriate national legislation and in conformity with international human rights law, the freedom of all persons and members of groups to establish and maintain religious, charitable or humanitarian institutions is fully respected and protected;

(e) To ensure that all public officials and civil servants, including members of law enforcement bodies, the military and educators, in the course of their official duties, respect different religions and beliefs and do not discriminate on the grounds of religion or belief, and that all necessary and appropriate education or training is provided;

(f) To promote and encourage, through education and other means, understanding, tolerance and respect in all matters relating to freedom of religion or belief;

10. *Emphasizes* the importance of a continued and strengthened dialogue among and within religions or beliefs, including among communities and religious leaders, and with the participation of women and youth, to promote greater tolerance, respect and mutual understanding;

11. *Welcomes and encourages* the continuing efforts of all actors in society, including non-governmental organizations and bodies and groups based on religion or belief, to promote the implementation of the Declaration, and further encourages their work in promoting freedom of religion or belief and in highlighting cases of religious intolerance, discrimination and persecution;

12. *Welcomes* the work and the report of the Special Rapporteur of the Human Rights Council on freedom of religion or belief;[4]

13. *Urges* all Governments to cooperate fully with the Special Rapporteur, to respond favourably to requests of the Special Rapporteur to visit their countries and to provide all necessary information for the effective fulfilment of the Rapporteur's mandate;

14. *Requests* the Secretary-General to ensure that the Special Rapporteur receives the necessary resources to fully discharge the Rapporteur's mandate;

[4] See A/62/280.

15. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its sixty-third session;

16. *Decides* to consider the question of the elimination of all forms of religious intolerance at its sixty-third session under the item entitled "Promotion and protection of human rights".

United Nations A/C.3/62/L.43

General Assembly

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Sixty-second session
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Moldova, Monaco, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

Mindful that the Islamic Republic of Iran is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and the Convention on the Rights of the Child,[4]

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 61/176 of 19 December 2006,

Regretting that no special procedure has been permitted to visit the Islamic Republic of Iran since July 2005, despite the standing invitation extended by the Government of the Islamic Republic of Iran to all human rights thematic monitoring mechanisms in April 2002,

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[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] United Nations, *Treaty Series*, vol. 660, No. 9464.
[4] Ibid., vol. 1577, No. 27531.

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1. *Expresses its deep concern* at the ongoing systematic violations of human rights and fundamental freedoms of the people of the Islamic Republic of Iran, as described in the above-referenced resolutions, and at the failure of the Islamic Republic of Iran to implement the steps called for in these resolutions;

2. *Expresses its very serious concern* that, since the adoption of resolution 61/176, there have been, inter alia, confirmed instances of:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) Public executions, including multiple public executions, and of other executions carried out in the absence of respect for internationally recognized safeguards;

(c) Stoning as a method of execution, and the continued issuing of sentences of stoning;

(d) Execution of persons who were under the age of 18 at the time their offence was committed, contrary to the obligations of the Islamic Republic of Iran under article 37 of the Convention on the Rights of the Child[4] and article 6 of the International Covenant on Civil and Political Rights;[2]

(e) Arrests, violent repression, and sentencing of women exercising their right to peaceful assembly, a campaign of intimidation against women's human rights defenders, and continuing discrimination against women and girls in law and in practice;

(f) Increasing discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, including, inter alia, Arabs, Azeris, Baluchis, Kurds, Christians, Jews, Sufis and Sunni Muslims and their defenders, and, in particular, attacks on Baha'is and their faith in State-sponsored media, increasing evidence of efforts by the State to identify and monitor Baha'is and prevention of the Baha'i faith from attending university and from sustaining themselves economically; an increase in cases of arbitrary arrest and detention;

(g) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association, and freedom of opinion and expression, including those imposed on the media and trade unions, and increasing harassment, intimidation and persecution of political opponents and human rights defenders, from all sectors of Iranian society, including arrests and violent repression of labour leaders, labour members peacefully assembling and students;

(h) Persistent failure to uphold due process of law rights, and violation of the rights of detainees, including the systematic and arbitrary use of prolonged solitary confinement;

3. *Calls upon* the Government of the Islamic Republic of Iran to respect fully its human rights obligations and, in this regard, to implement fully the above-mentioned resolutions, and in particular:

(a) To eliminate, in law and in practice, amputations and flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, in law and in practice, the use of stoning as a method of execution;

(d) To abolish, as called for by the Committee on the Rights of the Child in its report of January 2005,[5] executions of persons who at the time of their offence were under the age of 18;

(e) To eliminate, in law and in practice, all forms of discrimination and violence against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that access of minorities to education and employment is on par with that of all Iranians;

(g) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[6] which recommended ways in which the Islamic Republic of Iran could emancipate the Baha'i community;

(h) To end the harassment, intimidation and persecution of political opponents and human rights defenders, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(i) To uphold due process of law rights, and to end impunity for human rights violations;

4. *Encourages* the thematic procedures of the Human Rights Council to visit the Islamic Republic of Iran and otherwise continue their work to improve the situation of human rights in the country, and urges the Government of the Islamic Republic of Iran to live up to the commitment it made when it issued a standing invitation to special procedures by cooperating with them, and to illustrate how their subsequent recommendations are being addressed;

5. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-third session under the item entitled "Promotion and protection of human rights", and, to this end, requests the Secretary-General to submit to it at that session a comprehensive report on the situation of human rights in the Islamic Republic of Iran.

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[5] See CRC/C/146.

[6] See E/CN.4/1996/95/Add.2.